



7/26/10

5

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 929-6611
Fax (978) 264-9630

Steven L. Ledoux
Town Manager

June 11, 2010

Acton Beacon Legal Ad Division (Barbara)

Below please find a copy of a legal advertisement to appear in the Acton Beacon on July 8 and 15, 2010.

Please send the bill to: Capizzi Company, Inc.
820 Main Street
Acton, MA 01720
(978-263-3726)

Please send proof copy and tear sheet to:

Town Manager's Office
472 Main Street
Acton, MA 01720
Fax # 978-264-9630

Very truly yours,

Christine Joyce
Town Manager's Office

Selectman Pamela Harting-Barrat Assigned

LEGAL NOTICE
TOWN OF ACTON
NOTICE OF HEARING

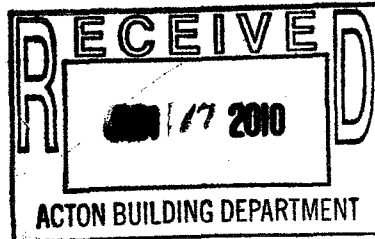
The Acton Board of Selectmen will hold a public hearing on July 26, 2010 at 7:50 p.m. in the Francis Faulkner Hearing Room in Town Hall, 472 Main Street, Acton, on the application of Capizzi Company, Inc. for a Site Plan Special Permit under Section 10.4. of the Zoning Bylaw for property at 820 Main Street, Acton, MA 01720. The application and accompanying plans can be inspected at the Town Hall during normal business hours.

ACTON BOARD OF SELECTMEN

Bin Idrive



Acton Survey &
Engineering, Inc.
Since 1967



PO Box 666, 97 Great Road, Suite 6
Acton, MA 01720
Phone: 978-263-3666 Fax: 978-635-0218
actonsurvey@actonsurvey.com

ASE 5650

June 17, 2010

Acton Board of Selectmen
472 Main Street
Acton, MA 01720

Re: Site Plans- Capizzi Company, Inc.
820 Main Street

Dear Board Members:

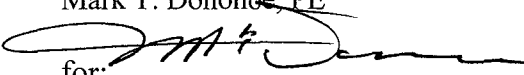
Please find enclosed the three additional copies of Site Plan submittal materials requested by staff yesterday.

The proposed project consists of the construction of a 40 by 100 foot [4,000 square foot] three sided prefabricated metal building to be used as an open storage shed for trucks and equipment. The shed is to be located behind the existing buildings in an area presently utilized for the storage of large landscape stones.

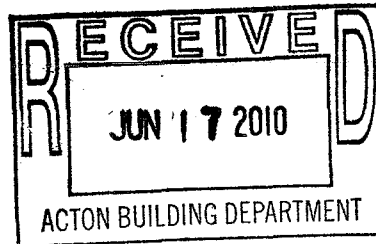
Please inform us if additional copies of any materials are required or if we may provide you with additional information prior to the public hearing.

We will be happy to meet with staff to discuss this matter at their convenience. It might be beneficial to visit the site with staff.

Very truly yours,
Mark T. Donohoe, PE

for: 
Acton Survey & Engineering, Inc.

cc: Capizzi Company, Inc.



June 30, 1988

Board of Selectmen
Town of Acton

Dear Sir/Madam:

This letter of agreement is written with reference to Site Plan Special Permit, Application Number 11/25/87 - 292, Section 2.2.1.

It is understood by the Petitioner, Capizzi & Co., Inc., that the Acton Board of Selectmen may direct a traffic study focusing on traffic conditions on Main Street, deemed by the Board to constitute a hazard to the citizens of Acton or others. The Petitioner agrees that it will contribute on a pro rata basis, its fair share towards said study of traffic conditions. It is expressly understood that Petitioner's fair share of said study shall be based on metering of traffic to and from the subject property only. Petitioner further agrees to contribute, according to the established pro rata basis, a fair share towards mitigation measures recommended by the study and implemented by the Town.

Yours truly,
Capizzi & Co., Inc.
By



Orlando R. Capizzi,
Chief Executive Officer

OPC/ljw

RECEIVED

JUL 19 1988

R.L. JEANNOTTE, INC.

September 14, 1988

Board of Selectmen
Town of Acton

Dear Sir/Madam:

This letter of agreement is written with reference to Site Plan
Special Permit, Application Number 11/25/87 - 292, Section 2.2.1.

It is understood by the Petitioner, Capizzi & Co., Inc. that at such time as traffic conditions on Main Street, in the opinion of the Board, reach levels that constitute a hazard to the citizens of the Town of Acton or others, the Petitioner or the owner of the property will contribute (on a pro rata basis) a fair share toward a traffic study to be conducted at the direction of and to the satisfaction of the Board, focused on alleviating the problem. The Petitioner's share shall be based on metering of traffic to and from the subject property. The Petitioner herein shall agree to assume all costs necessary and associated with the metering of traffic associated with the subject property. Furthermore, the letter shall express the agreement that the Petitioner or the owner of the property will contribute, according to the established pro rata basis, a fair share towards mitigation measures recommended in the traffic study.

Yours truly
Capizzi & Co., Inc.
By


Orlando P. Capizzi
Chief Executive Officer

OPC/ljw

June 30, 1988

Board of Selectmen
Town of Acton

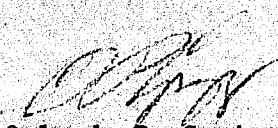
Dear Sir/Madam

This letter of agreement is written with reference to Site Plan Special Permit, Application Number 11/25/87 - 292, Section 2.2.2.

Petitioner will provide reasonable access rights to the Town of Acton and the Acton Water District in order to facilitate the taking of water samples for analysis.

It is noted that there are presently three (3) monitoring wells in existence on the site.

Yours truly,
Capizzi & Co., Inc.
By


Orlando P. Capizzi
Chief Executive Officer

OPC/ljw

RECEIVED

JUL 19 1988

R.L. JEANNOTTE, INC.

June 30, 1988

Board of Selectman
Town of Acton

Dear Sir/Madam:

This letter of agreement is written with reference to Stie Plan Special Permit, Application Number 11/25/87 - 292, Section 2.2.3.

It is agreed that at such time as the Board of Selectman may implement a master sidewalk plan for Main Street, the Petitioner, Capizzi & Co., Inc. will install a sidewalk at its own expense or contribute to the Town of Acton a sum necessary for installation of a sidewalk along the frontage of the subject property. It is expressly understood that Petitioner's installation expense or contribution will not exceed \$ 30.00 per linear foot at 1988 prices plus standard adjustments for inflation.

Yours Truly,
Capizzi & Co., Inc.
By


Orlando P. Capizzi
Chief Executive Officer

OPC/ljw

RECEIVED

JUL 19 1988

R.L. JEANNOTTE, INC.

September 14, 1988

Board of Selectmen
Town of Acton

Dear Sir/Madam:

This letter of agreement is written with reference to Site Plan Special Permit, Application Number 11/25/87 - 292, Section 2.2.3.

It is understood by the Petitioner, Capizzi & Co., Inc. that at such time as the Board may designate the Petitioner or the owner of the property will fully cooperate with the installation of a sidewalk along either side of Main Street and will at the direction of the Board either install a sidewalk at his or her own expense or contribute to the Town the sum of money equivalent to the cost of the sidewalk installation along the entire frontage of the property (not in excess of \$30.00 - per linear foot at 1988 prices plus the standard adjustments for price inflation)

Yours truly,
Capizzi & Co., Inc.



Orland P. Capizzi
Chief Executive Officer



TOWN OF ACTON
472 Main Street
Acton, Massachusetts 01720

Telephone (978) 264-9636
Fax (978) 264-9630
www.acton-ma.gov

ma.gov

Planning Department

planning@acton-ma.gov

INTERDEPARTMENTAL COMMUNICATION

To: Steven Ledoux, Town Manager **Date:** July 15, 2010
From: Scott A. Mutch, Zoning Enforcement Officer & Assistant Town Planner
Subject: Site Plan Special Permit Application #06/11/10-427

Location: 820 Main Street
Applicant: Cappizzi Company, Inc., 820 Main Street, Acton, MA 01720
Owner: Cappizzi Company, Inc., 820 Main Street, Acton, MA 01720
Engineer: Acton Survey & Engineering, Inc., P.O. Box 666, 97 Great Road, Acton, MA 01720
Building Designer: Morton Buildings, Inc., P.O. Box 399, Morton, IL 61550-0399
Previous Site Plans: #11/25/87-292
Zoning: Small Manufacturing (SM)
Groundwater Protection District Zone 3
Proposed FAR: 0.08 (maximum is 0.20)
Proposed Uses: Landscape Contractor Facility (Building Trade Shop)
Town of Acton Atlas: Map C-5; Parcel 60
Hearing Date: July 26, 2010
Decision Due: October 24, 2010

Attached are the legal ad, application, plan sheets and interdepartmental review comments received to date. As of this date, comments have been received from the Town of Acton's Sidewalk Committee, Municipal Properties Director, Health Department, and the Engineering Department. Upon review of the submitted comments, it appears that there are outstanding concerns/issues which need to be addressed before any decision could be granted.

The Site Plan:

The applicant is proposing to construct a new 100'-0" by 40'-0" metal structure to provide additional storage space for equipment used in the operation of the business. The overall proposed structure would be approximately 4,000 square feet in size, would be enclosed on three (3) sides, will not be heated and will have a gravel floor surface.

As per the Town of Acton Assessor's Office information, the subject Site is 3.86 acres (168,142 square feet) in area, has approximately 401'-10" of frontage along Main Street, and is located within a small manufacturing zoning district.

There are multiple structures currently existing on the property which serve a variety of functions. The main existing building is approximately 4,380 square feet in size and was constructed in 1969 according to Assessor's Office records. It is located closest to the front of the property and provides office space for the administrative business operations, and garage space utilized for vehicle and equipment repair and maintenance as well as storage of equipment and materials. A second structure is located behind the front building which provides covered storage space for vehicles and materials. Located to the side (west) and rear of this structure are multiple trailers. There is also another structure shown to the west of the trailers which is unidentified and appears to encroach into the minimum side yard setback. A greenhouse also exists to provide space to grow and store herbaceous plant material. A radio tower is also located on the property to provide communication services between office staff and vehicles within the property. There is also a loading dock identified in the back northeast corner of the property.

The proposed relevant zoning information for the subject site is summarized in the following table:

By-Law Requirements	Required	Existing	Proposed
Min. Lot Area (ft ²)	40,000 ft ²	168,537 ft ²	168,537 ft ²
Min. Lot Frontage (ft)	100'-0"*	401.8'	401.8'
Min. Front Yard (ft) - South	50'-0"	49.1'***	49.1'***
Min. Side Yard (ft) – East	30'-0"	Unknown	167.2'
Min. Side Yard (ft) – West	30'-0"	59.2'+	150.6'+
Min. Rear Yard (ft) – North	30'-0"	238.3'	60.3'
Max. Building Height (ft)	36'-0"***	Unknown	Unknown
Max. F.A.R. (Floor Area Ratio)	0.20**	0.05	0.08
Open Space	35%	37%	37%

* Minimum LOT FRONTAGE on Route 27 (Main Street) shall be 200 feet (200'-0").

** The maximum FLOOR AREA RATIO and height may be increased further subject to procedures and conditions set forth in Section 10.4.3.12.

*** The front setback identified is measured to the existing building on the property. The proposed structure is located to the rear of the existing building.

+ The side setback identified is measured to the existing building on the property. The proposed structure is located a greater distance towards the center of the property than the existing building.

Planning Department Comments

- 1) The applicant shall identify the structure which is located to the west of the covered storage building and closest to the western property line.
- 2) Site Plan Special Permit 11/25/87-292 Condition #2.2.3 stated "*SIDEWALK: A letter of agreement stating that at such time as the Board may designate the Petitioner or the owner of the property will fully cooperate with the installation of a sidewalk along either side of Main Street and will at the direction of the Board either install a sidewalk at his or her own expense or contribute to the Town the sum of money equivalent to the cost of the sidewalk installation along the entire frontage of the property (not in excess of \$30.00 per linear foot at 1988 prices plus the standard adjustments for price inflation)*".

The applicant submitted two letters of agreement dated June 30, 1988 and September 14, 1988 (copies of both letters are attached for reference) in order to satisfy this requirement.

Currently, there is no sidewalk existing along the Main Street frontage of this property. However, there is an existing sidewalk which extends up to the westerly property line of this site. The Board of Selectmen may wish to designate this as the appropriate time for the applicant – at their expense - to construct the sidewalk across the frontage of the property. The installation of this portion of sidewalk would reduce the gap of missing sidewalk along Main Street and move the Town closer to have a continuous sidewalk from the existing Assisted Living Facility at Carlisle Road to NARA Park. In place of requesting the applicant to actually construct the sidewalk, the Board of Selectmen could request that the applicant submit a monetary contribution to the Town's sidewalk fund in the sum equivalent to the cost of the sidewalk's construction across the frontage of the property which would be calculated at \$50.00 per linear foot of frontage. Therefore, the contribution should be in the sum of \$20,100.00 (402 linear feet of frontage @ \$50.00 per linear foot).

- 3) The Engineering Department's memo (dated July 13, 2010) indicates that there is information omitted from the Zoning Table which is required under Section 3.9.5 of the Site Plan Rules and Regulations. Based upon the limited scope of work proposed under this Site Plan Special Permit application, the Planning Department believes that it is reasonable that some of these rules and regulations could be waived by the Board of Selectmen acting as the Special Permit Granting Authority.

TOWN OF ACTON
472 Main Street
Acton, Massachusetts, 01720
Telephone (978) 264-9628
Fax (978) 264-9630

Engineering Department

INTERDEPARTMENTAL COMMUNICATION

To: Scott A Mutch, Planning Department

Date: July 13, 2010

From: Engineering Department

**Subject: Site Plan Special Permit (#06/11/10/-427) Barrat
820 Main Street**

We have reviewed the above-mentioned site plan for 820 Main St dated June 9 2010, and have the following comments.

1. The Zoning Table is missing information as required in Section 3.9.5 of the Site Plan Special Permit Rules and Regulations such as the % wetlands, DEVELOPABLE SITE AREA, Maximum NET FLOOR AREA, total number of parking spaces, etc...
2. There is no sidewalk along their existing frontage on Main Street. The existing sidewalk on the westerly side of this site ends at the property line for this site. The sidewalk on the other side of this site ends at the driveway for Concorp at 836-838 Main Street. A proposed sidewalk at this location would help to start closing the gap in the sidewalk. When the missing section of sidewalk is completed there will be a continuous pedestrian connection along Main Street from the Assisted Living Facility opposite Carlisle Road to NARA.
3. This site plan only identifies some of the existing drainage system that was visually apparent on the ground surface at the time of the recent survey. The plan does not show the drain pipes, stone sub-drain, etc... that exists underneath the interior driveways and landscaped areas. According to the prior site plan, the outlet pipe for the catch basins in front of the green house is/are located underneath the building behind the paved parking area.
4. The site plan indicates the OPEN SPACE along the easterly side of the property is being used as a nursery.
5. The engineer has also indicated that the existing parking spaces for the facility are not marked on the pavement at this time.

ACTON MUNICIPAL PROPERTIES DEPARTMENT

INTERDEPARTMENTAL COMMUNICATION

To: Scott Mutch, Planning Dept., Cheryl Frazier, Building Dept. **Date:** 6/23/10
From: Dean A. Charter, Municipal Properties Director
Subject: Site Plan 6/11/10-427, 820 Main Street

I have viewed the plans and inspected the site of the above noted construction (4,000 SF metal building).

The plan proposes no landscaping, and in my opinion none is required in this instance. The building will not be visible from the public way, and the abutters are sites that are industrial in nature, and in fact are composed of very similar steel buildings. The site itself at present it used for storage of equipment and landscape supplies, and the new building will be used to keep the equipment and supplies out of the weather. Providing such a shelter will prolong the life of the equipment, prevent run-off from the supplies and equipment, and generally be a more environmentally sound site.

I recommend approval as submitted.

Scott Mutch

From: Justin Snair
Sent: Wednesday, July 14, 2010 4:11 PM
To: Scott Mutch
Cc: Cheryl Frazier
Subject: RE: Site Plan Special Permit application for 820 Main Street, Cappizzi Company Inc.

The Health Dept. has no issues with the proposed.

From: Cheryl Frazier
Sent: Friday, June 18, 2010 2:56 PM
To: Brian McMullen; Scott Mutch; Justin Snair; Frank Ramsbottom; Corey York; Chris Allen; Tom Tidman; Robert Craig; Frank Widmayer; Dean Charter; Board of Selectmen; Design Review Board; Transportation Advisory Committee; Economic Development Committee; Sidewalk Committee
Subject:

Good afternoon,

Attached you'll find an Interoffice Memo regarding the

Regards,

Cheryl

Cheryl Frazier
Acton Building Department
472 Main Street
Acton, MA 01720
978-264-9632
cfrazier@town.acton.ma.us

7/21/2010

Scott Mutch

From: Kate Chung [katewchung@yahoo.com]
Sent: Tuesday, July 13, 2010 11:44 AM
To: Scott Mutch
Subject: Fw: Site Plan Special Permit (#06/11/10/-427) Barrat

FYI

----- Forwarded Message -----

From: Kate Chung <katewchung@yahoo.com>
To: Cheryl Frazier <cfrazier@acton-ma.gov>
Sent: Sun, July 11, 2010 7:52:02 PM
Subject: Re: Site Plan Special Permit (#06/11/10/-427) Barrat

Hi Cheryl -

The only comment the Sidewalk Committee has is that we would love to see a sidewalk be placed along the road frontage in front of Cappizzi's property.

Along 27, there is a small gap of sidewalk missing between NARA park and the Assisted Living Center. This would cut that gap in a half. This would be a great benefit to all the able-bodied seniors who live at the Assisted Living Center along with all the residents up Carlisle Road. It would be wonderful if the Board of Selectmen could negotiate this.

Thanks!
Kate Chung
Sidewalk Committee.

From: Cheryl Frazier <cfrazier@acton-ma.gov>
To: Kate Chung <katewchung@yahoo.com>
Sent: Thu, July 1, 2010 12:40:36 PM
Subject: RE: Site Plan Special Permit (#06/11/10/-427) Barrat

Kate,

July 14th is the deadline for comments.

Regards,

Cheryl Frazier
Acton Building Department
472 Main Street
Acton, MA 01720
978-264-9632
cfrazier@town.acton.ma.us

From: Kate Chung [mailto:katewchung@yahoo.com]
Sent: Thursday, July 01, 2010 10:57 AM
To: Cheryl Frazier
Subject: Re: Site Plan Special Permit (#06/11/10/-427) Barrat

Thanks Cheryl. Is there a deadline for comments?
Kate

From: Cheryl Frazier <cfrazier@acton-ma.gov>
To: Kate Chung <katewchung@yahoo.com>
Sent: Thu, July 1, 2010 9:11:39 AM
Subject: RE: Site Plan Special Permit (#06/11/10/-427) Barrat

Kate,

Here is the link. Try clicking on it and if it doesn't work then copy and paste it to the Acton website hyperlink.

<https://doc.acton-ma.gov/dsweb/View/Collection-3365>

Regards,

Cheryl Frazier

Acton Building Department
472 Main Street
Acton, MA 01720
978-264-9632
cfrazier@town.acton.ma.us

From: Kate Chung [mailto:katewchung@yahoo.com]
Sent: Wednesday, June 30, 2010 5:51 PM
To: Cheryl Frazier
Subject: Fw: Site Plan Special Permit (#06/11/10/-427) Barrat

----- Forwarded Message -----

From: Kate Chung <katewchung@yahoo.com>
To: Roland Bartl <rbartl@acton-ma.gov>; cfrazier@acton-ma.gov
Sent: Wed, June 30, 2010 5:20:45 PM
Subject: Re: Site Plan Special Permit (#06/11/10/-427) Barrat

Hi Roland/Cheryl -
Can you resend the link? I don't believe I ever got it.
When are comments due back?
Kate Chung
Sidewalk Committee

7/21/2010

From: Roland Bartl <rbartl@acton-ma.gov>

To: Cheryl Frazier <cfrazier@acton-ma.gov>; Brian McMullen <bmcullen@acton-ma.gov>; Scott Mutch <smutch@acton-ma.gov>; Justin Snair <jsnair@acton-ma.gov>; Frank Ramsbottom <framsbottom@acton-ma.gov>; Corey York <cyork@acton-ma.gov>; Chris Allen <chris@actonwater.com>; Tom Tidman <ttidman@acton-ma.gov>; Robert Craig <rcraig@acton-ma.gov>; Frank Widmayer <fwidmayer@acton-ma.gov>; Dean Charter <dcharter@acton-ma.gov>; Board of Selectmen <BOS@acton-ma.gov>; Design Review Board <DRB@acton-ma.gov>; Transportation Advisory Committee <TAC@acton-ma.gov>; Economic Development Committee <EDC@acton-ma.gov>; Sidewalk Committee <sc@acton-ma.gov>

Cc: Manager Department <Manager@acton-ma.gov>; Planning Department <Planning@acton-ma.gov>

Sent: Fri, June 18, 2010 4:08:38 PM

Subject: RE: Site Plan Special Permit (#06/11/10/-427) Barrat

Some of you folks missed this request from Cheryl for plan review when it came around last time for the TD Bank site plan special permit.

Just to make sure, the memo that Cheryl attached to her e-mail is the regular request for review comments on the site plan special permit application (#06/11/10/-427) for Cappizzi Company in North Acton.

You used to get these in paper. We are trying to cut down on paper use, hence the e-mail memo with the docushare link in the memo to all the application documents.

Thank you for your cooperation -

Roland Bartl, AICP
Planning Director
472 Main Street
Acton, MA 01720
(978) 264-9636

From: Cheryl Frazier

Sent: Friday, June 18, 2010 2:56 PM

To: Brian McMullen; Scott Mutch; Justin Snair; Frank Ramsbottom; Corey York; Chris Allen; Tom Tidman; Robert Craig; Frank Widmayer; Dean Charter; Board of Selectmen; Design Review Board; Transportation Advisory Committee; Economic Development Committee; Sidewalk Committee

Subject:

Good afternoon,

Attached you'll find an Interoffice Memo regarding the Site Plan Special Permit application for 820 Main Street, Cappizzi Company Inc.

Regards,

Cheryl

Cheryl Frazier
Acton Building Department
472 Main Street
Acton, MA 01720
978-264-9632
cfrazier@town.acton.ma.us